

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES**

ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER

April 10, 2018 – 5:30 P.M.

On roll call, the following commissioners were present: Bob Cooper, Jr., Shane Laster, Josh Carson, Vicki Newton, Marshall Sharpe, Ret Taylor, Kelly Wilson and Don Keesee. Commissioner Richardson was absent.

Chairman Sharpe then called for the vote on the minutes from the March 13, 2018, meeting. Commission Sharpe made two amendments. A motion was made and seconded to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Providence Subdivision, Phase II- Final Plat, Lots 30-42 and Lot 55 Crafton Tull for Providence, LLC.

Ms. Brenda Andrews read the staff report indicating that Phase II of the Providence Subdivision is located north of R.A. Young Jr. Drive in Chaffee Crossing. Ms. Andrews stated that there are 13 lots ranging in size from approximately 13,900 s.f. to 20,000 s.f. Ms. Andrews further stated that the property is zoned Residential Single Family Medium/High Density (RS-3).

Caroline Gardner, project engineer with Crafton Tull was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the final plat with staff comments, subject to the following:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county clerk.

The vote was 7 in favor and 1 abstention (Carson). Chairman Sharpe announced the item was approved.

2. Subdivision Variance # 10-4-18; A request by Todd Stacey, for a variance from UDO Section 27-503-2(E) (access on residential collector) at 9000 Moody Road.

Ms. Brenda Andrews read the staff report indicating that approval of the subdivision variance would allow the owner to subdivide his property into two lots and provide a shared driveway with a turnaround for a future single-family residence that have access onto Moody Road, which is classified as a Residential Collector. Ms. Andrews stated that the applicant indicated a hardship was present due to the property being zoned RS-2, which allows single family

residences, but the UDO prohibits single family residences from having access on streets classified as Residential Collector. Ms. Andrews stated that a neighborhood meeting was held Tuesday, March 27, 2018, 6:00 p.m. at 5720 Rogers Avenue at the Western Sizzlin Conference Room. She stated that no surrounding property owners attended the meeting.

Todd Stacey was present to represent the application.

Mr. Bill Hanson (8508 Rosewood Drive) spoke with concerns about concerns about raw sewage and flooding behind the existing lot.

Chairman Sharpe called for a vote on the subdivision variance with staff comments, subject to the following:

- Approval is contingent upon the submitted site plan that shows a turnaround on the proposed Lot 2 and a shared driveway between lots 1 and 2.
- The applicant shall submit a shared driveway agreement for planning department review that shall be recorded with the subdivision plat.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

- 3. Master Land Use Plan Amendment #2-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a Master Land Use Amendment from Residential Detached to Residential Attached at 5818 and 5904 Jenny Lind Place.**
- 4. Rezoning Application #9-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-3) by extension at 5818 and 5904 Jenny Lind Place.**
- 5. Development Plan #4-4-18; A request by Ron Brixey, agent for Przybysz Brothers Investments, LLC, for a development plan for a multifamily development at 5818 and 5904 Jenny Lind Place.**

Ms. Maggie Rice read the staff report indicating approval of the Master Land Use Plan Amendment, Rezoning, and Development Plan would allow for the construction of a multifamily development with five duplexes. Ms. Rice further stated that a neighborhood meeting was held on March 22, 2018, at the community room of the Fort Smith Public Library branch located at 8701 South 28th Street at 4:30 p.m. Ms. Rice further stated that one property owner attended this meeting, and asked questions about the setbacks and the installation of a privacy fence.

Mr. Ron Brixey stated that a small revision was made on the Development Plan to eliminate the north entrance and to widen the south entrance to 24ft.

Glenda V. Wilson (1904 Jacobs Street) was present to speak in opposition of these applications. Ms. Wilson stated concerns about the decreased property values and the crime rates.

Chairman Sharpe called for a vote on the Master Land Use Amendment and Rezoning.

The vote for the Master Land Use Amendment, item 3 was 7 in favor and 1 opposed (Laster).

The vote for the Rezoning request, item 4 was 7 in favor and 1 opposed (Laster).

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission Approval.

The vote for the Development Plan, item 5 was 7 in favor and 1 opposed (Laster).

Chairman Sharpe announced that items 3, 4, and 5 were approved.

6. Rezoning Application #11-4-18; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Residential Single Family Medium/High Density (RS-3) to a Planned Zoning District (PZD) at 8108- 8207 Donnington Court (Lots 3-8 and Tract C) and 9500-9612 Shire Valley Court (Lots 9-17).

Ms. Brenda Andrews read the staff report indicating approval would allow the developer to change the front-yard setback to 15' and the side-yard setback to 5' in order to provide rear-entry garages to facilitate a walkable neighborhood. Ms. Andrews stated that the UDO does not provide a conventional zoning district that would accommodate the proposed development. Ms. Andrews further stated that a neighborhood meeting was held Monday, April 2, 2018, at 8404 Stoneshire Drive. Nine surrounding property owners attended the meeting with no objections to the rezoning.

Pat Mickle, project engineer was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Rezoning.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

7. Rezoning Application #12-4-18; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Residential Single Family Medium/High Density (RS-3) to Residential Single Family High Density (RS-4) AT 8108-8200 Donnington Court (Lots 22-24) and 9505-9519 Shire Valley Court (Lots 18-21 and Tract B).

Ms. Brenda Andrews read the staff report indicating approval would allow the developer to change the front-yard setback to 20' and the side-yard setback to 5' in order to provide a side-entry garages and facilitate a more walkable neighborhood. Ms. Andrews stated that a neighborhood meeting was held Monday, April 2, 2018, at 8404 Stoneshire Drive. Nine surrounding property owners attended the meeting with no objections to the rezoning.

Pat Mickle, project engineer was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Rezoning application.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

- 8. Master Land Use Plan Amendment #3-4-18; A request by Keith Blythe, agent for Felix Vozel, for a Master Land Use Plan Amendment from not classified to General Commercial at 12309 and 12319 Old Highway 71.**
- 9. Rezoning Application # 10-4-18; A request by Keith Blythe, agent for Felix Vozel, for a zone change from not zoned to Commercial Moderate (C-3) by classification at 12309 and 12319 Old Highway 71.**

Mr. Wally Bailey read the staff report indicating approval of the Master Land Use Plan Amendment, Rezoning and Variance would allow the owner to utilize the property for personal storage, a batting cage, and non-residential use. Mr. Bailey stated that no new construction is proposed at this time. Mr. Bailey further stated that a neighborhood meeting was held Monday, March 12, 2018, on site and six neighborhood property owners were present at the neighborhood meeting. No attendees had any objections to the rezoning; although, some had concerns about future uses at this site.

Commissioner Carson asked Mr. Bailey about the street access/requirements for a C-1 or C-2 zoning. Mr. Bailey stated that the street access for C-1 was Residential Collector or higher, C-2/C-3 is a Major Collector or higher.

Keith Blythe was present to represent the application. Mr. Blythe distributed information regarding traffic counts on Old Highway 71. He stated that according to the Arkansas Department of Transportation, the 2017 average daily traffic for Old Highway 71 was 1,700.

James Williams (12518 Dunstan Drive), Jerry and Barbara Carter (5706 Callaway Lane), Alfred and Jeanne Gstatenbauer (5709 Graystone) and Elton and Katrina Richardson (5514 Callaway Lane) spoke in opposition of these applications. They expressed concerns about increased traffic, noise and future commercial use.

Chairman Sharpe called for a vote on the Master Land Use Plan Amendment and the Rezoning with staff comments, subject to the following:

- Future development plans for the property must be approved by the Planning Commission before any building permits are issued.

The vote for the Master Land Use Amendment, item 8 was 7 in favor and 1 abstention (Carson).

The vote for the Rezoning, item 9 was 6 in favor, 1 opposed (Taylor) and 1 abstention (Carson).

Chairman announced the items 8 and 9 were approved

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

10. Variance #11-4-18; A request by Keith Blythe, agent for Felix Vozel, for the following variances: 1) Minimum parcel size for C-3 zoning; and 2) Required street access at 12309 and 12319 Old Highway 71.

Chairman Sharpe called for a vote on the zoning variances.

The vote was 6 in favor, 1 opposed (Taylor) and 1 abstention (Carson). Chairman Sharpe announced the item was approved

11. Variance #12-4-18; A request by Alvin Prieur, for the following variances; 1) Front-yard setback from 100' to 90'; 2) An interior-yard setback from 100' to 70'; 3) A rear-yard setback from 100' to 80'; and 4) From UDO Section 27-602-4(E)(2) at 5412 South 24th Street.

Ms. Maggie Rice read the staff report indicating approval would allow for an approximate 103,415 s.f. warehouse and office space addition with additional parking. Ms. Rice stated that the applicant stated that without the variance a large portion of the property will be undevelopment because of the location of the existing single family residences. Ms. Rice further stated that a neighborhood meeting was held on Monday, April 2, 2018, on site. Three surrounding property owners attended the meeting and had no objections. Ms. Rice stated that the applicant also received five phone calls about the development. Three phone calls were in support of the development and two of the phone calls had questions about development and site lighting.

Mr. Wally Bailey pointed out that the buildings were connected and the reason for pushing the building back was because of the existing high pressure gas line south of the proposed warehouse.

Alvin Prieur was present to represent the application. He indicated that landscaping was proposed on South 24th Street and that a privacy fence would also be installed on the east, west and north side of the new warehouse and on each side of the new driveway proposed on South 24th Street.

Chairman Sharpe called for a vote on the following variances with staff comments, subject to the following:

- Contingent upon approval of the Development Plan.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

12. Development Plan #5-4-18; A request by Alvin Prieur, for a development plan for an addition of a warehouse at 5412 South 24th Street.

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Provide site lighting information with the building permit applications that show compliance with 27-602-5 of the UDO.
- New and existing dumpsters shall be screened in accordance with the UDO screening requirements.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved

13. Development Plan #6-4-18; A request by Brett Abbott, agent, for a development plan for a warehouse for Honda Powersports at 3731 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating approval would allow the owner to construct a 7,500 s.f. metal warehouse with a 10' rear-yard setback and with modified landscaping. She indicated that the rear property line abuts an approximate 100' railroad right-of-way. Ms. Andrews stated the applicant indicated that the proposed building will have minimal visibility from the right-of-way. Also, due to existing development and hard surfaces, modified landscaping is proposed. Ms. Andrews further stated that a neighborhood meeting was held at

Honda Powersports on March 26, 2018, at 9:00 a.m. with no surrounding property owners attending the meeting.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Development Plan with staff comments, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
- Approval of the companion variances for rear-yard setback, exterior building materials, and landscaping.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

- 14. Variance #13-4-18; A request by Brett Abbott, agent, for the following variances: 1) A rear-yard setback from 30' to 10'; 2) From UDO Section 27-602-4(C); and 3) From UDO Section 27-602-3 at 3731 Towson Avenue.**

Chairman Sharpe called for a vote on the following variances.

The vote was 8 in favor 0 opposed. Chairman Sharpe announced the item was approved.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

- 15. Annual election of officers.**

A motion to nominate Marshall Shape as Chairman was made, seconded and carried for approval.

A motion to nominate Don Keesee as Vice Chairman was made, seconded and carried for approval.

A motion to nominate Vicki Newton as Secretary was made, seconded and carried for approval.

Mr. Wally Bailey stated that Commissioner Talicia Richardson would not be returning to the planning commission and that Richard Morris would be taking her place the start of May, 2018.

There being no further items, the meeting adjourned at approximately 7:30 p.m.